

ORDINANCE NO. 9 OF 1998

AN ORDINANCE TO ESTABLISHING A RECYCLING PROGRAM FOR THE COLLECTION OF RECYCLABLE MATERIALS FROM HOMES, APARTMENTS, AND OTHER RESIDENTIAL ESTABLISHMENTS, FROM COMMERCIAL, BUSINESS, MUNICIPAL AND INSTITUTIONAL ESTABLISHMENTS, AND FROM COMMUNITY ACTIVITIES IN THE BOROUGH OF COALDALE FOR RECYCLING PURPOSES; TO PROHIBIT THE DISPOSAL OF RECYCLABLE MATERIALS INTO THE CONVENTIONAL MUNICIPAL SOLID WASTE DISPOSAL SYSTEM; TO EMPOWER THE BOROUGH OF COALDALE TO ADOPT AND PROMULGATE REASONABLE REGULATIONS THEREFORE; AND TO FIX PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the Act of July 28, 1988, No. 101, known as the Municipal Waste Planning, Recycling and Waste Reduction Act, provides that each municipality of the Commonwealth shall have the power and duty to adopt and implement programs for the collection and recycling of municipal waste or source separated recyclable materials; and,

WHEREAS, conservation of recyclable materials has become an important public concern because of the growing problem of solid waste disposal and its impact on our environment; and,

WHEREAS, the adoption and implementation of recycling will effect the conservation of natural resources, the protection of the right of the people to clean air, pure water and the preservation of the environment.

NOW THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Coaldale, Schuylkill County, Pennsylvania, by the authority of the same that:

SECTION I. TITLE:

The short title of this Ordinance shall be the "Coaldale Recycling Program Ordinance" or "C.R.P." and the same may be cited in that manner.

SECTION II. DEFINITIONS:

Terms that are used in the ordinance:

Aluminum Cans shall mean empty all-aluminum beverage and food containers.

Bimetallic Containers shall mean empty food or beverage containers consisting of steel and aluminum.

Commercial Establishment shall mean those properties used primarily for commercial or industrial purposes and those multiple dwelling residential buildings.

Community Activities shall mean events that are sponsored by public or private agencies or individuals that include but are not limited to fairs, bazaars, socials, picnics and organized sporting events attended by 200 or more individuals per day.

Corrugated Cardboard shall mean structural paper material with an inner core shaped in rigid parallel furrows and ridges.

Curbside Collection shall mean the collections by the municipality or its authorized agent(s) of recyclable materials placed at the curbside or other designated location, such as RECYCLING CENTER/DROP OFF SITE.

Ferrous Containers shall mean empty steel or tin-coated steel food or beverage containers.

Glass Containers shall mean bottles and jars made of clear, green or brown glass. Excluded are plate glass, automotive glass, blue glass and porcelain and ceramic products.

High-Grade Office Paper shall mean all white paper, bond paper and computer paper used in commercial, institutional and municipal establishments and in residences.

Institutional Establishment shall mean those facilities that house or serve groups of people such as hospitals, schools, day care centers and nursing homes.

Lead Acid Batteries shall include but not be limited to automotive, truck and industrial batteries that contain lead.

Leaf Waste shall mean leaves from trees.

Magazines and Periodicals shall mean printed matter containing miscellaneous written pieces published at fixed or varying intervals. Expressly excluded are all other paper products of any nature whatsoever.

Multi-Family Housing Properties shall mean any properties having four (4) or more dwelling units per structure.

Municipal Establishments shall mean public facilities operated by the municipality and other governmental and quasi-governmental authorities.

Municipality shall mean the Borough of Coaldale.

Newspapers shall mean paper of the type commonly referred to as newsprint and distributed at fixed intervals, having printed thereon news and opinions, containing advertisements and other matters of public interest. Expressly excluded are glossy advertising inserts often included with newspapers, and newspapers which have been soiled.

Person(s) shall mean owners, lessees, and occupants of residences, commercial or institutional establishments.

Plastic Containers shall mean empty plastic food and beverage containers. Due to the large variety of types of plastic, the recycling regulations may stipulate specific types of plastic which may be recycled.

Recyclable Materials shall mean source separated recyclable materials, including materials listed in Section 1501 of Act 101, and materials identified by the municipality to be recycled.

Residential Dwellings shall mean any occupied single or multi-family dwelling from which the Borough or private haulers provide municipal waste collection service.

Solid Waste shall mean all refuse (garbage and rubbish) and other discarded solid material normally collected by a municipal or private hauler.

Waste shall mean a material whose original purpose has been completed and which is directed to a disposal or processing facility or is otherwise disposed.

Yard Waste shall mean prunings, grass clippings, weeds, and leaves and garden waste.

SECTION III. ESTABLISHMENT OF PROGRAM:

There is hereby established by the Borough of Coaldale, hereinafter referred to as the "Borough," a recycling program that mandates that recyclable materials shall be kept separate from solid waste by all persons, from residential to commercial premises within the borders of the Borough of Coaldale, and outlines its elements in accordance with Act 101, Section 1501(c).

The elements of the recycling program include the following:

1. Separation of recyclables by residences, storage and collection;
2. Separation of recyclables by commercial, municipal and institutional establishments and community activities, storage and collection;
3. Separation of recyclables by multi-family housing properties, storage and collection;
4. Separation, collection and composting of leaf waste; and,
5. A sustained public information and education program.

The specific program regulations are provided as an attachment to the ordinance and that the governing body is empowered to make changes to the program regulations as necessary. Subsequent changes in the program regulations may be made through approval of the Borough and public notice and notification of all affected parties and should not necessitate a change in the ordinance itself.

SECTION IV. LEAD ACID BATTERIES:

It prohibits disposal of lead acid batteries at the curb with the ordinary household waste.

SECTION V. SEPARATION AND DISPOSAL OF LEAF WASTE:

Leaf waste will be separated from the regular Borough solid waste, and be picked up at curbside by the Borough at all residential establishments, commercial, business, municipal and institutional establishments, during a normal leaf waste collection period, which shall be in effect from on or about the second week of October to no later than the third week of December. Leaf waste shall be placed at curbside, in containers designated by the Borough or where designated by the Borough such as the Recycling Center/Drop Off Site.

SECTION VI. MUNICIPAL OWNERSHIP OF RECYCLABLES:

From the time of placement at the curb or at a Recycling Center/Drop Off Site of any recyclable materials, pursuant to the provisions of this recycling ordinance and the regulations issued hereunder, all recyclable materials shall become and be the property of the Borough of Coaldale. It shall be a violation of the terms of this ordinance for any person, other than authorized personnel of the Borough to collect, pick up, or cause to be collected or picked up, any such recyclable material. Each such collection or "pick-up" in violation hereof shall constitute a separate and distinct offense.

SECTION VII. RECYCLING OF MATERIALS:

Recyclable materials designated by the Borough shall be placed at curbside or other Borough designated location, such as the Recycling Center/Drop Off Site. All recyclable materials shall be kept separate from other solid waste or leaf waste, in containers that the Borough deems appropriate for separate collection or drop off at such places, times and dates as may be hereinafter established by regulations.

SECTION VIII. FRANCHISE OR LICENSE:

The Borough may enter into agreements with public or private agencies or firms to authorize them to collect all or part of the recyclable materials from curbside or elsewhere as designated by the Borough.

SECTION IX. INCENTIVE, VIOLATION, PENALTY AND ENFORCEMENT:

Any person who shall violate any provision of this Ordinance and program regulations shall, upon conviction thereof, be sentenced to pay a fine of not more than Three Hundred Dollars (\$300.00) and costs of prosecution, or, in default of payment of such fine and costs, to undergo imprisonment for not more than thirty (30) days; provided, each violation of any provision of this ordinance and each day the same is continued shall be deemed a separate offense.

SECTION X. ENFORCEMENT AND ADMINISTRATION:

The Borough is hereby authorized and directed to enforce this ordinance. The same is hereby authorized and directed to establish and promulgate reasonable regulations as to the manner, days and times for the collection of recyclable materials in accordance with the terms hereof and any other matters required to implement this ordinance. The Borough may change, modify, repeal or amend any portion of said rules and regulations at any time.

SECTION XI. ALTERNATIVE COLLECTION OF RECYCLABLE MATERIALS:

Any person may donate or sell recyclable materials to individuals or organizations. These materials must be delivered to the individual's or organization's site.

SECTION XII. SEVERABILITY:

If any section, sentence or any other part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance, but shall be confined in its effect to the section, sentence or part of this ordinance directly involved in the controversy in which such judgment shall have been rendered.

SECTION XIII. REPEALER:

All ordinances or parts of ordinances inconsistent herewith be and the same are hereby repealed.

SECTION XIV. EFFECTIVE DATE:

This Ordinance shall take effect upon establishment of the recycling regulations, or not later than _____.

ENACTED AND ORDAINED this 11th day of August, 1998.

ATTEST:

Kathryn J. Huff
Secretary

Clarence Reich
President

Approved by me this 11th day of August, 1998.

John J. ...
Mayor